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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/596,293

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Roland Kolb

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EXAMINER

ROBITAILLE, JOHN P

ART UNIT

PAPER NUMBER

1791

MAIL DATE

DELIVERY MODE

06/18/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/596,293	Applicant(s) KOLB ET AL.	
	Examiner John P. Robitaille	Art Unit 1791	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 February 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6, 12, 15 and 16 is/are pending in the application.
- 4a) Of the above claim(s) 15 and 16 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6, 12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 June 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>19 Jun 2006 13 Feb 2009</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This is a first action on the merits for application number 10/596,293. Claims 1-6, 12, 15, & 16 are pending and remain as previously presented. Claims 7-11, 13, & 14 have been cancelled.

Election/Restrictions

1. Claims 15 & 16 withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 24 February 2009.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 3,534,422 (Carpenter et al., '422 hereafter).

4. Regarding claim 1, '422 teaches a method for manufacturing adjustment shafts comprising a metallic shaft and a noise-abating, non-metallic external cladding situated between cladding-free shaft ends, where, starting with a metallic shaft strand continuously fitted with said external cladding, said cladding is removed in the zone of the shaft ends by at least one externally applicable brush (C1L25-C1L30).

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Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 2-6, & 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 3,534,422 (Carpenter et al.) in view of U.S. Patent 6,523,251 (Meisser et al.) further in view of U.S. Patent 2,202,580 (Louis F. Hahn, '580 hereafter).

7. Regarding claim 2, '422 does not teach the cladding is removed from two consecutive shaft ends, which are subsequently severed.

8. In the same field of endeavor, the production of elongate partially insulated members, '251 teaches the external cladding is removed from continuous shaft ends (C1L5-C1I12) for the benefit of removing the insulating material in a continuous process, thereby improving the economic efficiency of the process. It would have been obvious to a person of ordinary skill in the art at the time of invention to combine the teachings of '422 with those of '251 for the benefit of removing the insulation from the shaft in a continuous manner. The combination of '422 with '251 does not teach the subsequent severing to the shafts.

9. In the same field of endeavor, production of elongate members, '580 teaches the severing of shafts (C1L1-C1L5) for the benefit of preparing shafts of a desired length. It would have been obvious to a person of ordinary skill in the art at the time of invention

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to combine the teachings of the previous art combination with those of '580 for the benefit of preparing insulated shafts of a desired length.

10. Regarding claim 3, '422 teaches the method wherein at least one brush is approached radially (FIG 1 – item C).

11. Regarding claim 4, '422 teaches the method wherein at least one externally and preferably radially approachable brush is pivoted tangentially about the metallic shaft strand in the sense of a progressive peripheral removal of external cladding from said strand (C2L65).

12. Regarding claim 5, '422 teaches the method wherein the brush is approached in a manner that the radial length of its bristles operationally extends maximally as far as the peripheral surface of the bared shaft ends (C2L60-C2L65).

13. Regarding claim 6, the combination of '422 with '251 does not teach that the shaft ends are fitted with a square torque transmitting connector.

14. In the same field of endeavor, production of elongate members, '580 teaches the method wherein the shaft strand is fitted in the region of the bared shaft ends with a geometrically interlocking torque transmitting connector of which an outer contour deviates from the circular form and is in particular square (Pg 3 Ls 1-5) for the benefit of imparting torque to the shafts. It would have been obvious to a person of ordinary skill in the art at the time of invention to combine the teachings of the previous art combination and '580 for the benefit of imparting torque to the finished partially insulated shafts.

15. Regarding claim 12, '422 teaches the method wherein at least one brush is approached radially (FIG 1 – item C).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John P. Robitaille whose telephone number is (571) 270-7006. The examiner can normally be reached on Monday to Thursday from 8:00 AM to 4:00 PM. The examiner can also be reached on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joe Del Sole can be reached on (571) 272-1130. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JPR

/Joseph S. Del Sole/
Supervisory Patent Examiner, Art Unit 1791